

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – T & A Department – Sri G. Viswanadham, Senior Accountant, Divisional Sub-Treasury, Rajahmundry, East Godavari Dist. – National seniority in the category of Senior Accountant in the combined Seniority list of Senior Accountants of Zone-II w.e.f. 12-12-1996 i.e., from the date of his immediate junior Smt. J. Snehalatha Orders – Issued.

FINANCE (Admn.III) DEPARTMENT

G.O. Rt. No. 646

Dt.18-2-2010

Read the following:

1. Orders of Hon'ble A.P.A.T. dt. 17-10-2003 in O.A.No. 7515/1996 O.A.No. 1741/1997.
2. Orders of Hon'ble High Court, dt. 7-4-2005 in W.P.No. 7361/2005 and dt. 30-6-2005 in W.P.No.13488/2005.
3. Govt. Memo. No. 11792/328/A1/Admn.III/2005, dt. 16-1-2006 Finance (Admn.III) Dept.
4. Orders of Hon'ble APAT dt. 27-4-2009 in O.A.No. 10001/2008 filed by Sri G. Viswanadham, Sr. Accountant
5. Lr. No. A2/21220/2003, dt. 8-9-2009 from the D.T.A., A.P., Hyd.
6. Orders of Hon'ble APAT dt. 16-11-2009 in O.A.No. 6548/ of 2006 filed by Sri B. Palayya & others.
7. Notice dt. 14-12-2009 received from Hon'ble APAT in C.A.No.1129/2009 in O.A.No. 10001/2008 filed by Sri G. Viswanadham, Sr. Accountant.

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ORDER:

The DTA, Hyderabad in his letter 5<sup>th</sup> read above has stated that Government have issued orders vide Memo. 3<sup>rd</sup> read above, to consider the request of Sri G. Visanadham, Senior Accountant, Divisional Sub-Treasury, Rajahmundry, East Godavari district to revise his seniority in the category of Junior Accountant from 12-10-1993 to that of 28-10-1991 as per the orders of APAT dated 17-10-2003 confirmed by Hon'ble High Court by its judgement dt. 7-4-2005 in W.P.No. 7361/2005 and dated 30-6-2005 in W.P.No.13488/2005 and to take further action according to Rule 24 of A.P. State and Subordinate Service Rules, 1996.

2. It is also stated that the DTA in his office Memo. Dt. 7-8-2006 has provisionally accepted the proposal of Deputy Director, Dist. Treasury, East Godavari for inclusion of the name of Sri G. Viswanadham, Junior Accountant for promotion to the post of Senior Accountant in the review panel 1996-1997 above Smt. J. Snehalatha and below Sri B. Markendaya Murthy assigning notional date of promotion as Senior Accountant w.e.f. 12-12-1996 and directed the Deputy Director, Dist. Treasury, East Godavari to issue notices to the likely to be affected persons and dispose of the same in terms of Rule 24 of A.P. State and Subordinate Service rules, 1996. Accordingly, the Deputy Director, Dist. Treasury, East Godavari in his Memo. Dt. 6-9-2006 has issued notices to all the affected individuals on the proposed seniority of Sri G. Viswanatham with effect from 12-12-1996 in the Senior Accountant category with a request to submit their appeals if any.

3. The Deputy Director, Dist. Treasury, Kakinda in his letter dt. 30-10-2006 and 9-11-2006 has stated that out of 14 individuals covered, (5) individuals viz. Sri B. Pallayya and (4) others have submitted their appeals on the notice issued by the Deputy Director, Dist. Treasury, East Godavari and the same was rejected by the Deputy Director, Dist. Treasury, East Godavari in his Memo. Dt. 16-10-2006.

4. Sri B. Pallayya and (3) others belonging to the Treasury Unit, East Godavari have filed O.A.No. 6548/2006 praying the Hon'ble Tribunal to direct the respondents to regularize their services from the dates of initial recruitment by transfer as Junior Accountants and consequently review their seniority in the category of Senior Accountant as per the judgement of Hon'ble APAT as ordered by APAT in O.A.No. 7515/1996 dt. 17-10-2003 confirmed by the Hon'ble High Court in W.P.No.7361/2005 and W.P.No.13488/2005 as was done in the case of Sri G. Viswanadham. The Hon'ble Tribunal in their judgement dt. 17-11-2006 while disposing of the O.A.No. 6548/2006 at the admission stage declared that the impugned notice dt. 6-9-2006 of the

Deputy director, Dist. Treasury, East Godavari is illegal and contrary to the judgement of the Tribunal in the O.A.No. 7515/1996 and 1741/1997 and directed the applicants to approach the respondent authority within a period of one month and the respondent authorities shall consider the prayer of the applicant within a period of (3) months and re-fix their seniority before deciding seniority of Sri G. Viswanadham. Questioning these orders Sri G. Viswanadham has filed the W.P.No. 26982/2006. The Hon'ble High Court while allowing the W.P. has delivered judgement on 13-4-2007 as follows:

**“The W.P. is allowed. Order dt. 17-11-2006 passed by the Hon'ble Tribunal in O.A.No. 6548/2006 is set aside and the matter is remanded to the Tribunal for fresh adjudication of the O.A. after issuing notice and giving reasonable opportunity to the parties to file their pleadings and document”**

5. In the meantime, Sri G. Viswanadham has filed O.A.No.10001/2008 for promotion by implementing the orders dt. 17-10-2003 in O.A.No. 7515/1996 and 1741/1997. The Hon'ble APAT vide its interim order dt. 24-12-2008 have ordered to consider the case of Sri G. Viswanadham for promotion in the light of the seniority to be fixed as per the directions of Hon'ble Tribunal in O.A.No. 7515/1996 and 1741/1997 dt. 17-10-2003 on adhoc basis subject to the result of the O.As. that are filed by Sri G. Viswanadham or by the affected parties viz., Sri Pallayya and (3) others. The Hon'ble APAT vide its final order dt. 27-4-2009 in O.A.No. 10001/2008 filed by Sri G. Viswanadham have ordered to pass final orders on the Show cause notice dt. 6-9-2006 which is issued pursuant to the directions given in O.A.No. 7515/1996 and 1741/1997 which was questioned in O.A.No. 6548/2006.

6. Government vide Memo. Dt. 22-6-2009 have directed the D.T.A., Hyderabad/Deputy Director, Dist. Treasury, East Godavari to issue final orders on the show cause notice dated 6-9-2006 issued by the Deputy Director, Dist. Treasury, East Godavari in pursuance to the Govt. Memo. No. 11792/328/A1/Admn.III/2005, dated 16-1-2006. Accordingly, the Deputy Director, rejected the objections filed by the 5 others and revised the date of regularization of Sri G. Viswanadham in the category of Senior Accountant from 13-7-1999 to that of 12-12-1996 and the DTA vide his letter dt. 8-9-2009 has furnished the proposal for permission for assigning notional seniority to Sri G. Viswanadham, Senior Accountant, Divisional Sub-Treasury, Rajahmundry, East Godavari Dist. w.e.f. 12-12-1996 i.e., the date of regularization of his immediate junior Smt. J. Snehalatha duly placing his name below Sri B. Markendeya Murthy (Sl.No.515) and above Smt. J. Snehalatha (Sl.No.516) in the combined seniority list of Senior accountants of Zone-II communicated by Regional Joint Director, Region-I, Visakhapatnam in his Rc.No.A1/(B1)/1321/2001, dt. 30-8-2003 duly relaxing Rule 31 of A.P. State and Subordinate Service Rules, 1996 for taking further necessary action.

7. The Hon'ble APAT delivered the judgement in O.A.No. 6548 of 2006 filed by Sri B. Pallayya & 3 others vide reference 6<sup>th</sup> read above, wherein the Hon'ble APAT held that

“11. For the reasons mentioned above, the impugned show cause notice is set aside, and the Respondents are directed to reckon the seniority of the applicants in the category of Junior accountants from the date of initial appointment, by appointment by transfer, as Junior accountants, and consequently, review the seniority of the applicants in the category of Senior Accountants while fixing the seniority of the 5<sup>th</sup> respondent, as directed by this Tribunal in O.A.No. 7515 of 1996 and O.A.No.1741 of 1997, dated 17-10-2003. The above exercise should be completed within a period of 6 weeks from the date of receipt of a copy of this order by following rules.”

8. **Sri G. Viswanadham, has filed C.A.No.1129/2009 vide reference 7<sup>th</sup> read above, for implementation of the orders of the Hon'ble tribunal in OA No. 10001/2008 filed by him.**

9. After careful examination of the matter, in exercise of powers conferred under Rule 31 of A.P. State & Subordinate Service Rules, 1996 Government hereby order to assign notional seniority to Sri G. Viswanadham, Senior Accountant, Divisional Sub-Treasury, Rajahmundry, East Godavari Dist. w.e.f. 12-12-1996 i.e., the date of regularization of his immediate junior Smt. J. Snehalatha duly placing his name below Sri B. Markendeya Murthy (Sl.No.515) and above Smt. J. Snehalatha (Sl.No.516) in the combined seniority list of Senior Accountants of Zone-II communicated by Regional Joint Director, Region-I, Visakhapatnam in his Rc.No.A1/(B1)/1321/2001, dt. 30-8-2003 duly relaxing Rule 33(a) of A.P. State and Subordinate Service Rules, 1996, subject to the decision on the orders of Hon'ble APAT in O. A. No. 6548 of 2006.

10. The Director of Treasuries & Accounts, Hyderabad is requested to take further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

L.V. SUBRAHMANYAM  
PRL. SECRETARY TO GOVERNMENT (FP)

To  
The Director of Treasuries & Accounts,  
Hyderabad.  
SC/SF

// Forwarded :: By Order //

SECTION OFFICER